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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,678	04/05/2001	Grant C. Paton	8580.00	3514

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EXAMINER

KESACK, DANIEL

ART UNIT	PAPER NUMBER
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3691

MAIL DATE	DELIVERY MODE
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05/18/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/826,678	Applicant(s) PATON, GRANT C.	
	Examiner Dan Kesack	Art Unit 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2007.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8, 10 and 21-26 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-6, 8, 10 and 21-26 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

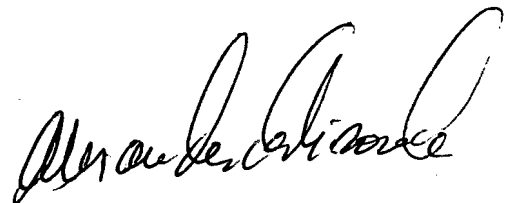
1. In view of the Appeal Brief filed on March 5, 2007, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

A handwritten signature in black ink, appearing to read "Alexander Kalinowski", is written over a horizontal line.

ALEXANDER KALINOWSKI
SUPERVISORY PATENT EXAMINER

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Status of Claims

2. Claims 1-6, 8, 10, and 21-26 are currently pending. The rejections are as stated below.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 8 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Dickson et al., U.S. Patent No. 6,574,603.

Claims 1, 3, 8, Dickson discloses an in-vehicle ordering system and method comprising:

locating the vehicle adjacent a transaction terminal (figure 1, #52, #14);

transferring one or more computer programs from the transaction terminal to an in-car data entry facility maintained within the vehicle, which programs generate a user interface in the entry facility (column 18 lines 15-17, 28-40)

entering user instructions into the in-car data entry facility and transmitting the user instructions locally to the terminal for execution by the terminal (column 18 lines 41-61).

Claim 2, Dickson teaches a step of identifying the user (transmitting identifying indicia - column 18 lines 56-59, column 19 lines 15-35).

Claim 10, Dickson teaches memory storage means for recording data (column 18 lines 23-35).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dickson et al., in view of DeVries, Jr. et al., U.S. Patent No. 6,547,133.

Claims 21, 23-25, Dickson teaches maintaining a wireless communication device within a vehicle (figure 4B), positioning the vehicle near a terminal (figure #1, #52, #14), establishing wireless communication between the wireless device and the terminal (column 18 lines 41-51), identifying the user (transmitting identifying indicia - column 18 lines 56-59, column 19 lines 15-35), and completing a transaction upon verification (column 18 line 52 – column 19 line 35).

Dickson fails to teach the terminal being an ATM machine, and entering identification data into the wireless device which allows the ATM to verify the identity of the user.

DeVries Jr. discloses a remote transaction interface system within a vehicle in which a user locates the vehicle within a proximity of a terminal, which may be a drive-through food service, or a bank teller machine, and uses a card reader device within the vehicle to enter bank card information, and a PIN number which identifies the user, in order to complete a financial transaction (column 5 line 31 – column 6 line 37). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Dickson to include the ATM features of DeVries Jr. because both Dickson and DeVries Jr. are disclosed as being used to order food at a quick service restaurant, and Dickson includes the claimed features necessary to operate an ATM, including a keypad and a card reader. The inclusion of the ATM

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features into the system of Dickson would be desirable because the result would be a more functional in-car transaction device. Drive-up ATMs are old and well known in the art to be a popular transaction terminal used by drivers, and Dickson clearly intends the in-vehicle device to be diverse in its functions, because of the included support for many transactions which a driver commonly encounters.

Claims 22, 26, Dickson teaches transferring one or more computer programs from the terminal to the device, which programs generate an interface for the user. While Dickson fails to teach the terminal being an ATM, it would be obvious to modify the reference in view of DeVries Jr. to include an ATM, as disclosed above, regarding claim 21.

8. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dickson et al., in view of DeVries, Jr. et al., as applied to claims 21 and 25 above, and further in view of Ohki et al., U.S. Patent No. 5,952,639.

Dickson and DeVries fail to teach uploading electronic valuable media to a memory storage device, and downloading electronic valuable media to a terminal from a memory storage device.

Ohki discloses a system and method for depositing and withdrawing electronic money between and ATM and an IC card (figure 8). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Dickson and DeVries to include the electronic money transfer of Ohki because

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DeVries teaches interaction with an ATM, and Dickson teaches the device within the vehicle including a smart card reader (column 10 lines 20-31). Although Dickson fails to teach how the smart card reader is used, it is old and well known in the art that smart cards are commonly used to store electronic money, as a convenient method for completing transactions.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Kesack whose telephone number is 571-272-5882.

The examiner can normally be reached on M-F, 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "Alexander Kalinowski", is written in a cursive style.

ALEXANDER KALINOWSKI
SUPERVISORY PATENT EXAMINER